

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

**DISH NETWORK L.L.C.  
and NAGRASTAR LLC,**

Plaintiffs,

v.

**DEBRA HENDERSON, JOHN  
HENDERSON, and BOOM MEDIA LLC,**

Defendants.

Case No. 5:19-CV-1310 (MAD/ATB)

**DECLARATION OF MICHAEL JACZEWSKI**

I, Michael Jaczewski, of Saint Petersburg, Florida declare as follows:

1. I make this declaration based on personal knowledge and, if called upon to testify, would testify competently as stated herein.
2. I am the founder and principal of Toltec Investigations LLC ("Toltec"). Toltec was established in October 2009 and has been providing investigative services since its inception. Prior to that time, and since 2001, I have worked for several different agencies as a private investigator. During my career, I have conducted and participated in hundreds of investigations, many of which involved intellectual property rights.
3. Toltec was retained by Plaintiff NagraStar LLC to make undercover purchases from the website located at <https://boommedia.org> ("Boommedia.org"). The purchases were made by Toltec investigators working under my direction and supervision. I reviewed the corresponding investigation report in preparing this declaration, relevant portions of which are attached as Exhibit 1 and referred to herein by the page number that appears in the lower right corner of each page.
4. Toltec purchased a Formuler Z7+ model set-top box on October 25, 2018 using the checkout page located at <https://myrealmtv.com/checkout>. (Ex. 1 at 5.) The Formuler set-top box

was offered for sale at Boommedia.org, and upon selecting the set-top box from that website, the purchaser was directed to the checkout page identified above to complete the purchase. (*Id.*) The Formuler set-top box was described as “Programmed with Bonuses.” (*Id.* at 7-8, *see also* 19 [code for Beast TV service that accompanied the set-top box].)

5. The Formuler set-top box was purchased for \$169.99 using a credit card. (*Id.* at 8-10.) The credit card was processed by Authorize.net and the payment recipient was identified as Boom Media LLC. (*Id.* at 10.) Toltec received an email from “jay@boommedia.org” on October 25, 2018 advising that “the owner of Boommedia is away on his honeymoon and no devices orders can be processed for at least two weeks.” (*Id.*) Toltec agreed to wait for the item. (*Id.* at 10-11.)

6. Toltec received the Formuler set-top box via United States mail on November 12, 2018. (*Id.* at 12-20.) The return address on the package identified John Henderson, Boom Media LLC, and a street address in Archdale, North Carolina. (*Id.* at 12-13.) Toltec discovered that the Formuler set-top box did not function properly and agreed to an exchange for a Dreamlink model set-top box through communications with “jay@boommedia.org.” (*Id.* at 21-22.) Toltec received an email on November 27, 2018 stating “I’ll get it programmed and shipped.” (*Id.* at 22.)

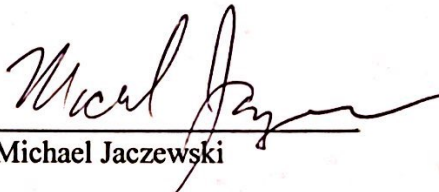
7. Toltec received the Dreamlink set-top box via United States mail on December 1, 2018. (*Id.* at 24-31.) The return address on the package identified John Henderson, Boom Media LLC, and the same address in Archdale, North Carolina. (*Id.* at 24-25.) The package included an access code for the Vader Streams service. (*Id.* at 30.)

8. At the instruction of NagraStar, Toltec emailed “jay@boommedia.org” on January 15, 2019 and inquired about purchasing a six-month subscription to Vader Streams. (Ex. 1 at 37.) Toltec was informed that a six-month subscription cost \$70 and that payment could be sent using PayPal to the email address “watertownny73@gmail.com.” (*Id.* at 37-38.) Toltec paid the \$70 by



PayPal and received a confirmation showing the payment recipient was Debra Henderson. (*Id.* at 39-40.) Toltec received an email from "jay@boommedia.org" on January 18, 2019 stating that six months had been added to the Vader Streams service previously purchased in connection with the Dreamlink set-top box identified above. (*Id.* at 40.)

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 25, 2019.

  
Michael Jaczewski